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***Missouri Secretary of State, Robin Carnahan
Testimony for US Senate Rules Committee***

Thank you for inviting me here to speak with you all today.

My name is Robin Carnahan, and I am the Secretary of State for the State of Missouri.

As the chief election official for the state of Missouri, it is my job to help ensure fair and accurate elections. Elections cannot be fair if fraud exists and is not caught; nor can elections be fair if eligible voters are not allowed to vote.

The question you pose today is "Is the Myth of In-Person Voter Fraud Leading to Voter Disenfranchisement?" Speaking from my experience in Missouri, the answer, unfortunately, is "Yes: I believe it could have in our last general election, and that it could in the future."

You know, Missouri is an interesting place to oversee elections because we are a traditional battleground state and our races are always close. We have approximately 4 million voters. Most recently, you may recall that on February 5th, eyes were on Missouri late into the night as a record number of voters turned out for the presidential primary...and both the Republican and Democratic races were ultimately separated by less than 2%. With close races and national scrutiny, efficient and accurate election administration becomes much more important.

And I'm pleased to report to you that in Missouri over the past several cycles we've seen just that: efficient election administration – smooth elections and no evidence of in-person, or voter impersonation, fraud. This is largely due to the diligent efforts and hard work of Missouri's 116 separate county clerks and election boards, as well as our poll workers, who are the ones who actually run our elections.

We have found no documented instances of in-person voter fraud in Missouri. I believe this is the case because safeguards currently exist such as commonsense identification requirements and stiff penalties for those who try to commit fraud. Also, frankly, as important as elections are to those of us in this room, the average citizen's job does not depend on them. And, it's simply not worth it for anyone to lie about who they are just to cast an extra ballot, because by doing so they risk jail time, fines, and losing their right to vote forever.

But despite this lack of evidence of any in-person voter fraud, in the past several years, there have been widespread suggestions of it by elected officials, members of the media, and others that are continually repeated. And like the myth of Bigfoot, the more folks hear about it, the more they might think it is true. Unfortunately, this can hinder voter confidence and discourage participation.

In addition to the adverse effects this misinformation could have on voter confidence, falsely stating that voter impersonation at the polls is a major issue can also lead to restrictive measures that limit legitimate eligible voters' access to elections and voting.

One such example is the overly-restrictive Photo ID law that the Missouri Supreme Court struck down in 2006.

That year, the Missouri legislature passed a law that would have required Missourians to present a government-issued photo ID in order to vote in the November 2006 election. What was *the stated reason for the law*? To prevent voter fraud and to increase voter confidence in case there was a *perception* of fraud.

But in Missouri, there was no evidence of any in-person voter fraud, ever, and we already had a commonsense voter identification requirement in place, that was based on HAVA— so people did have to present identification before they voted. They could just do so with a variety of approved means, including a driver's license, but also including several other forms such as college ID, recent utility bill with address, and voter identification card.

The major issue we found when we studied the restrictive photo ID law was that as many as 240,000 Missouri registered voters – mostly elderly, disabled, poor, and minority voters -- lacked the government issued photo ID this law would have required Missourians to present at the polls. And, for many, it would be too costly and time consuming to acquire the underlying documentation needed to get a “free” photo ID from the state. To get a photo ID, Missouri citizens must first provide “Proof of Lawful Presence,” which typically means a certified copy of the voter's birth certificate, which can be \$5 to \$30 and a wait of as long as ten weeks; “Proof of Lawful Identity,” which is often a Social Security card; and “Proof of Residency,” which can be a current utility bill or government check showing the voter's address. In addition, marriage licenses, divorce decrees, court orders, adoption papers, and amended birth certificates – all that come at a cost if you can't find them – can be necessary if you've changed your name.

The Missouri Supreme Court found that the law was unconstitutional because it put too much of a burden on eligible voters who lacked the specific ID required. In fact, Judge Charles Blackmar, one of the Supreme Court judges in the case, was told he would not be allowed to cast a regular ballot under the new law because he was 84 years old and only had an expired driver's license as he no longer drove. The law was overturned the month before the election in November 2006, meaning that voters in Missouri could identify themselves through the variety of forms that had previously been acceptable.

However, despite the law rightfully being struck down, there was still a lot of misinformation out there – not only just about fraud, but also about what voters needed to bring to the polls in order to vote.

To combat this type of misinformation and make sure the public has the facts, I've made voter education and transparency in elections major priorities during my time as Secretary of State.

Prior to the election in November 2006, my office developed polling place packets that went to every jurisdiction which included uniform voter education materials, including posters of what forms of identification were acceptable and a voter's bill of rights.

After the election, my office compiled all the information and issues we heard from Election Day 2006 into a public report.

We found that, by all accounts, the 2006 elections in Missouri were fair, accurate and secure. **Over two million** voters, or **53 percent** of Missouri's eligible voters, cast a ballot.

In the issues reported to my office, the absence of any reports of in-person voter fraud during the 2006 election in Missouri was very notable considering all the inaccurate suggestions that it has been a widespread problem in the past.

In contrast, among the problems reported there were numerous instances of **voter misinformation** and nearly one out of every five complaints received by my office concerned a voter being asked for the wrong type of identification at the polls on Election Day. In fact, I was one of those voters.

If it can happen to me and I'm the Secretary of State, it can happen to anyone. Further, I'm familiar with election law and know my rights – but not every voter has such information, which could result in voters being turned away and inappropriately disenfranchised.

As I mentioned earlier, elections cannot be fair if eligible voters are not allowed to vote. And elections cannot be fair if there is fraud that is not caught.

Again, there have been no reports of in-person voter fraud in Missouri since I've been Secretary, and the previous Secretary of State, Matt Blunt, publicly stated that the 2002 and 2004 statewide elections were "fraud free" and "two of the cleanest and problem-free elections in recent history." We've also looked at past media reports going back several years and there is no evidence of voter impersonation fraud.

This is not to say we have not had election related problems in Missouri, just like in every other state. We have. Over the past few election cycles, there *have* been isolated problems relating to voter registration issues and absentee ballots. The good news is that these occurrences are few and far between; and also that they have been

caught, due to the diligence of our local election authorities and law enforcement. The system is working in these cases, without adding extra barriers that may inhibit law-abiding citizens from exercising their constitutional right to vote.

There are many ways we can improve the voting system for all voters, but those improvements must be based on facts. For example, some of the issues that have been reported over the past few elections in Missouri have been long lines and running out of paper ballots in some areas. These are real problems that have been documented and can be solved through increased recruitment and training of poll workers to ensure that our elections remain efficient and well run. My office has helped recruit over 2000 new poll workers since 2006 and we are continuing these efforts. And, election officials must print enough paper ballots. Our state legislature is currently discussing a measure, which I support, that would ensure that every voter gets the choice to vote on a paper ballot.

Also, as Secretary of State, I have suggested that we explore ways to streamline the voter registration process and increase portability for all voters so that, for example, a voter doesn't have to re-register to vote every time he or she moves within the same state.

Ideas like these are common sense solutions that would greatly help people register and vote, and would also help increase efficiency in election administration.

Ensuring both the integrity of our nation's elections and the confidence of the American people is a vital charge.

I hope that my comments and insights help you as you work to achieve these common goals.

Thank you for inviting me here to testify before the committee today and for your work on these important issues.

For more information:

Voters First: An Examination of the 2006 Midterm Election in Missouri
<http://www.sos.mo.gov/elections/VotersFirst/>

Amicus Brief Submitted by Secretaries Carnahan, Brunner, Markowitz, Cox and Willis on Indiana Photo ID Case
<http://www.sos.mo.gov/media/AmicusBrief.pdf>